

Notice of Allowability

Application No.

10/606,477

Examiner

Tuan D. Nguyen

Applicant(s)

GHOMESHI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/01/2006.
2. ☒ The allowed claim(s) is/are 1-19, 23-25 and renumbered as 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

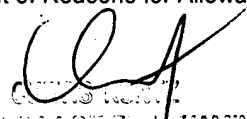
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Tuan D. Nguyen
Examiner
Art Unit 2614

Office Action

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jose Gutman on 11/29/2006.
2. The application has been amended as follows:

In the claims:

Claim 1, line 5 after "device" insert ---in a conference call environment---

Claim 1, line 9 after "device" insert ---in the conference call environment---

Claim 10, line 7 after "device" insert ---in a conference call environment---

Claim 10, line 12 after "device" insert ---in the conference call environment---

(End of Examiner's Amendment)

Examiner's Statement of Reason for Allowance

3. Claims 1-19 and 23-25 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record teaches various muting modes in the telephones thereon, for example U.S. patent number 5,191,607. However, the prior art of record fails to show claim 1, a method in a communication device, the method comprising: detecting in the communication device an activation of a user interface by a first user input; in response to detection of the first user input, enabling a first muting mode for uplink audio sent from the communication device in a conference call environment; detecting in the communication device an activation of the user interface by a second user input; and in response to detection of the second user input, disabling the first muting mode and enabling a second muting mode for uplink audio sent from the communication device and in the conference call environment, claim 10, a communication device, comprising: a user interface responsive to user input; and a controller, communicatively coupled to the user interface, for: detecting in the communication device an activation of the user interface by a first user input; in response to detection of the first user input, enabling a first muting mode for uplink audio sent from the communication device in a conference call; detecting in the communication device an activation of the user interface by a second user input; and in response to detection of the

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second user input, disabling the first muting mode and enabling a second muting mode for uplink audio sent from the communication device in the conference call environment and claim 23 a communication device, comprising: a noise sampler for sampling an ambient noise level of the environment in which the communication device is operating, and for producing an ambient noise level signal representative of the ambient noise level; a controller, communicatively coupled to the user interface, to the noise sampler, to the analog-to-digital converter, to the microphone, and to the switch, the controller for detecting a user input, and, in response to the user input, actuating the switch for establishing as uplink audio one of: only audio captured by the microphone, only the ambient noise level signal from the memory, and no audio and in combination with all the limitation of claim 23

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.

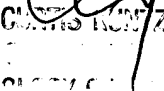
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number

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for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDN
12/04/06


QUINTO ROSE Z
SUPERVISOR
TECHNOLOGY CENTER